

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Christopher M. Gratz, Planner II

SUBJECT: Developers Agreement, DA 6-2-05 Blackhawk Ranches Plat/Tuscany at Davie, LLC, 4450 Hiatus Road/Generally located at the northeast corner of Hiatus Road and Orange Drive.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DEVELOPERS AGREEMENT DA 6-2-05 BLACKHAWK RANCHES, CONSENTING TO THE ELIMINATION OF OFF-SITE IMPROVEMENTS REQUIRED BY BROWARD COUNTY FOR THE PLAT KNOWN AS BLACKHAWK RANCHES; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The subdivision plat for Blackhawk Ranches was approved by Town Council with Resolution No. 2002-153, on July 3, 2002. Subsequently, Broward County required the consent of Town Council for two (2) developers agreements relating to the installation of off-site improvements. The applicant is requesting that the Town consent to the elimination of two (2) of the Broward County requirements, 1) construct an eastbound left turn lane on Orange Drive at Hiatus Road; 2) provide a \$66,000 contribution towards a traffic signal and Orange Drive and Hiatus Road.

This request is being made because the Town has informed the developer that it intends to construct an improvement at the intersection of Orange Drive and Hiatus Road. This was not anticipated at the time of plat approval, and now the Broward County requirements are unnecessary. In lieu of constructing the improvement and for consenting to the release of the contribution towards the traffic signal, the developer will provide the Town with the \$66,000 from the traffic signal, plus an additional \$50,000, for a total of \$116,000, to be used towards the construction of the proposed improvement at Orange Drive and Hiatus Road.

PREVIOUS ACTIONS: None

CONCURRENCES: N/A

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Resolution, Justification

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DEVELOPERS AGREEMENT DA 6-2-05 BLACKHAWK RANCHES, CONSENTING TO THE ELIMINATION OF OFF-SITE IMPROVEMENTS REQUIRED BY BROWARD COUNTY FOR THE PLAT KNOWN AS BLACKHAWK RANCHES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the plat known as Blackhawk Ranches was approved by the Town Council of the Town of Davie, with Resolution No. 2002-153, on July 3, 2002; and

WHEREAS, the developers agreement requiring the construction of an eastbound left turn lane on Orange Drive at Hiatus Road was approved, with Resolution No. R-2003-77 on March 24, 2003; and

WHEREAS, the developers agreement requiring a \$66,000 contribution towards the installation of a traffic signal at Orange Drive and Hiatus Road, was approved with Resolution No. R-2003-91 on April 2, 2003; and

WHEREAS, the Town of Davie intends to construct an improvement at Hiatus Road and Orange Drive, and this makes requiring the developer to construct an eastbound left turn lane on Orange Drive at Hiatus Road, and the installation of a traffic signal at Orange Drive and Hiatus Road unnecessary; and

WHEREAS, the Town of Davie has agreed to accept \$116,000 in lieu of having the developer constructing an eastbound left turn lane on Orange Drive at Hiatus Road, and for consenting to the release of the \$66,000 contribution towards a traffic signal at Orange Drive and Hiatus Road as required by Broward County.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby consent to the elimination of constructing an eastbound left turn lane on Orange Drive at Hiatus Road, and

providing a \$66,000 contribution towards a traffic signal at Orange Drive and Hiatus Road as required by Broward County for the development of Blackhawk Ranches, in exchange for \$116,000 to be used towards of the construction of the proposed improvement at the intersection of Orange Drive and Hiatus Road.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005.



June 7, 2005

Larry Peters
Town of Davie
Engineering Dept.
6591 SW 45th Street
Davie, FL 33314

RE: BLACKHAWK RANCHES
Plat Bond Delegation Request

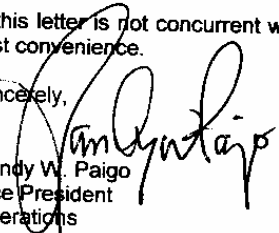
Dear Mr. Peters:

Pursuant to our meeting last week, please be advised that Tuscancy at Davie, LLC has submitted a delegation request to eliminate two plat required conditions on our Blackhawk Ranches plat. These plat conditions were originally placed on the plat by Broward County and are for a contribution toward signalization at the intersection of Orange Drive and Hiatus Road, plus a contribution for an eastbound left turn lane on Orange Drive at Hiatus Road.

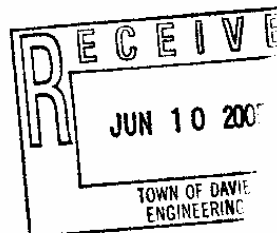
It is our understanding that Town Council does not desire to install these improvements and would support a County release of our obligations. In consideration of the Town's support, we would be willing to donate our contribution toward signalization of \$66,000, as well as an additional \$50,000 for other Town desired improvements. Our total donation of \$116,000 will become effective upon the County's release of these bonds and the County Commission's approval of the elimination of these conditions from the plat.

If this letter is not concurrent with your understanding of the situation, please contact me at your first convenience.

Sincerely,


Randy W. Paigo
Vice President
Operations

RWP/daw



CORPORATE OFFICE

2852 University Drive • Coral Springs, FL 33065 • Phone: 954.755.1775 • Fax: 954.341.8873

BLACKHAWK RANCHES

MARTHA BRIGHT FARMS (P.B. 15, PG. 16, B.C.R.),
LYING IN SECTION 30, TOWNSHIP 50 SOUTH, RANGE 41 EAST
AND THE HILATUS BETWEEN SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST
AND SECTION 26, TOWNSHIP 50 SOUTH, RANGE 40 EAST.

By: [Signature]

North 88°29'02" East, along the S according to the plot thereof, as

Official Records Book 15083, at Page 977 of the Public Records of and
Broward County, for 635.71 feet to the POINT OF BEGINNING.

DEDICATION:
Shots of Florida
County of Broward

The additional right-of-way shown herein are hereby dedicated to the public for proper purposes.

The drainage easements, drainage and access easements, and lake maintenance easements shown herein are hereby dedicated to the Central Broward Water Control District for drainage and access purposes.

Governmental agencies in the performance of their official duties. The use of a vehicle for pleasure, utility, and domestic purposes and is the personal maintenance of an individual or household. Personal use may also be utilized by government agencies and the personnel of police and fire departments and other governmental agencies in the performance of their official duties.

Parcets B, C, and D shown herein are hereby dedicated to the Tucony of Davis Homeowner's Association for drainage, retention and open space purposes and for the perpetual maintenance obligation of said Homeowner's Association.

This landscape easements *SUBJECT MATTER* AND *PROPERTY* is dedicated to the Tucony of Davis Homeowner's Association for drainage purposes.

THE ABOVE MAY ASSISTANTS NATIONAL MEMBERS AND MEMBERS OF THE PUBLIC FOR RESEARCH PURPOSES.

IN WITNESS WHEREOF: TUSCANY AT DAVID, LLC, a Florida limited liability company, has caused these presents to be signed by its Trustee and Member this 15 day of April, 2002.

Elizabeth M. David

Address: Spokane, WA
 310 N. 10th
 Apt 100
 Spokane, WA 99201
 Phone: 509-325-1111
 310 N. 10th
 Apt 100
 Spokane, WA 99201
 Email: spokane@spokane.net
 Date: 1/15/02
 By: Ben L. Morris, President
 Ben L. Morris, President
 Signature: [Signature]
 Date: 1/15/02
 Printed Name: Ben L. Morris

COUNTY ENGINEER	COUNTY CLERK	TOWN OF
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5th Street

Page 1 of 3
Recorded 02/04/2004 at 10:37 AM

Page 1 of 3
Recorded 02/04/2004 at 10:37 AM

CFN # 103704497

CFN # 103704497

LOPMEINT

DEPARTMENT SERVICE DIVISION of
accepted this plot for recording
2004.

ZONING BOARD:

ENING AND ZONING BOARD of the
 accepted this plan for rezoning
 20 02

has been approved and accepted
of Doyle, Florida, by resolution adopted

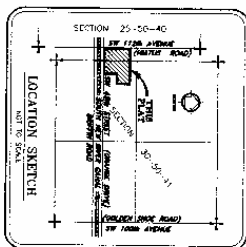
TER CONTROL DISTRICT:

and for record.

any personally appeared before me, on my faith and take acknowledgment, Ben J. Thompson, being personally known to a driver license as identification instrument, and who acknowledged the purchase herein expressed.

I, _____, set my hand and affixed my seal to this instrument on _____ day of _____, 19____.

Elizabeth S. Jones (191983)




CFN #103704497
Page 2 of 3

MORTGAGEE'S CONSENT:

State of Florida } ss
County of Broward }

IN WITNESS WHEREOF, SAID JUNIORS BANK has caused these papers to be signed this 1st day of SEPTEMBER 20 19.

Witness: James J. Zeller
Print Name: James J. Zeller

By:  SUNDRIST BANK
a Georgia state chartered bank

MORTGAGEE'S ACKNOWLEDGEMENT:

State of Florida }
County of Howard } ss.

The foregoing instrument was acknowledged before me this 19th day of October, 2003, by Michael J. Allen as Senior Vice Pres of SUNNISTE BANK, a Georgia state chartered bank, and who is personally known to me or who presented _____ identification. J. A. J.

My commission expires: 06/10/07

[Signature]
Notary Public

